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11
12 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
13 SOUTHERN DIVISION

14 RELIASTAR LIFE INSURANCE CO.,)

15 Plaintiff,)

16 v.)

17 JACLYN R. HAFTER, INDIVIDUALLY)
18 AND AS TRUSTEE OF THE HAFTER)
FAMILY TRUST DATED JUNE 11, 2011,)
19 BRANDON PHILLIPS, AS TRUSTEE OF)
THE JACOB HAFTER TRUST DATED)
20 APRIL 17, 2018, THE UNITED STATES OF)
21 AMERICA, ACTING THROUGH THE)
INTERNAL REVENUE SERVICE, AND)
22 DOES 1-5)

23 Defendants.)
24
25

Case No. 2:18-cv-01166-APG-NJK

**JOINT MOTION FOR ORDER OF
DISCHARGE IN INTERPLEADER
AND DISMISSAL WITH
PREJUDICE OF RELIASTAR LIFE
INSURANCE COMPANY**

LR 22-1; 67-1; 67-2

ORDER

26 COMES NOW, plaintiff, ReliaStar Life Insurance Company, defendant Jaclyn R. Hafter,
27 individually and as trustee of the Hafter Family Trust dated June 11, 2011, defendant Brandon Phillips,
28

1 as trustee of the Jacob Hafter Trust dated April 17, 2018 and defendant, United States of America, on
2 behalf of the Internal Revenue Service, an agency of the United States Department of the Treasury, by
3 and through undersigned counsel, (collectively, “the Parties”) and hereby submit the following Joint
4 Motion for Order of Discharge in Interpleader and Dismissal with Prejudice of ReliaStar Life Insurance
5 Company in connection with the above-captioned Interpleader Action. In addition, upon the stipulation
6 of the Parties, as detailed below, the Parties agree that ReliaStar may interplead the sum payable under
7 the ReliaStar policy at issue, be awarded its attorneys’ fees and costs incurred with this Interpleader
8 Action and discharged from this action with prejudice. The Parties stipulate to the Points and Authorities
9 below.

10 **POINTS AND AUTHORITIES**

11 1. On June 27, 2018, the ReliaStar Life Insurance Company (“ReliaStar”) commenced this
12 Interpleader Action (*see* Compliant-ECF No. 1) with respect to life insurance policy No. AD13700714
13 (“Policy”) issued on the life of Jacob L. Hafter with a death benefit in the amount of \$5,000,000. The
14 Interpleader Action was brought pursuant to Federal Rule of Civil Procedure 22 (“Rule 22”), 28 U.S.C. §
15 1332, 28 U.S.C. § 2410 and/or 28 U.S.C. § 1331.

16 2. On April 17, 2018, Jacob Hafter died, and ReliaStar has determined that the death benefit
17 under the Policy is due and payable. Following the death of Jacob L. Hafter, several parties claimed
18 competing entitlement to all or a portion of the death benefit of the Policy on Mr. Hafter’s life.

19 3. Defendant Brandon Phillips, as trustee of the Jacob Hafter Trust dated April 17, 2018, has
20 claimed to be the primary beneficiary of the Policy based upon a Beneficiary Designation dated April 17,
21 2018. (*see* Answer to Interpleader and Claim-ECF No. 10).

22 4. Defendant Jaclyn Hafter, as trustee of the Hafter Family Trust dated June 12, 2011, has
23 claimed to be the primary beneficiary of the Policy based upon a Beneficiary Designation dated June 15,
24 2011. Defendant Jaclyn Hafter, individually, has also claimed a community property interest in the
25 Policy and death benefits (*see* Answer to Interpleader and Claim-ECF No. 18).

26 5. Defendant United States has asserted federal tax liens under I.R.C. (26 U.S.C.) § 6321
27 against the Policy and the death benefits based upon federal income tax assessments made jointly against
28 Jacob and Jaclyn Hafter. (*see* Answer to Interpleader and Claim-ECF No. 9).

6. All Defendants named in this action have been served and have filed their respective Answers and Claims to the Policy and death benefits.

7. ReliaStar has been and is now prepared to deposit the death benefit of the Policy in the amount of \$5,000,000 plus accrued interest ("the Sum") into the Court's registry account in accordance with F.R.C.P. 67 and LR 67-1. The Sum represents the death benefit, plus accrued interest, payable under the Policy. The parties request that the funds be invested in an interest bearing account established by the Clerk of the Court under LR 67-2(a).

8. Under the Interpleader statute, ReliaStar seeks \$19,926.76 in attorneys' fees and costs incurred in the filing and prosecuting its Interpleader Action. The Parties agree and stipulate that ReliaStar may deduct \$19,926.76 from the Sum prior to depositing the Sum with the Clerk of the Court.


9. ReliaStar further seeks discharge from any further liability under the Policy and on account of the death of Jacob L. Hafter and a dismissal with prejudice from the Interpleader Action. The Defendants agree and stipulate to ReliaStar's discharge and dismissal with prejudice from the Interpleader Action upon deposit of the Sum less \$19,926.76, which represents its attorneys' fees and costs.

CONCLUSION

10. For these reasons, the Parties request an Order permitting ReliaStar to deposit the Sum, less \$19,926.76 to the Clerk of this Court for the Court to deposit into the Court's Registry Account. Deposit shall be made within 15 days of the date of service of the Court's Order. Additionally, the Parties request that the Clerk deposit the amount tendered by ReliaStar into an interest-bearing account until such time as the Court makes its order directing disbursement and distribution of these funds. The Parties further request that ReliaStar be discharged and dismissed from this Interpleader Action with prejudice upon deposit to the Clerk of this Court.

DATED: November 5, 2018

IT IS SO ORDERED.


11/7/2018
United States District Judge

/s/ Henry C. Darmstadter
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DATED: November 5, 2018

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DATED: November 5, 2018

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DATED: November 5, 2018

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GOOD CAUSE APPEARING, IT IS SO ORDERED:

DATED:

UNITED STATES DISTRICT COURT JUDGE